

Emergency Measures Regulation

1. Can the Province request the Minister of Public Safety and Emergency Preparedness, the Commissioner or a person acting on their behalf to request a person to provide removal, towing or storage services under s. 7?
 - If so, what is the procedure for doing so?

Answer: The provinces could request to the Minister or Commissioner to be assigned this authority. While the ultimate request to the third-party service provider must come from the Minister or Commissioner, it does not matter if the request is pursuant to purportedly “provincial objective”. The overarching EMR objective is to remove the blockades wherever they are. For Law Enforcement requests from any jurisdiction, the RCMP established a process of assignment that was communicated to law enforcement agencies. Public Safety Canada informed PT partners of the possibility to consider other assignments and will work closely with PTs who request it.

2. Will Canada play a role in securing provincial critical infrastructure (s.6)? If so, is there a mechanism for requesting assistance from Canada to securing such a place?

Answer: Critical infrastructure as defined by the EMRs covers both provincial and federal facilities, places, etc. The definition of peace officer includes RCMP members; and, in British Columbia, the RCMP are contracted to provide policing services for the province and several municipalities and so also have recourse to the usual police powers in that capacity. Under article 9 of the BC PPSA, the RCMP as provincial police can be redeployed for an “emergency” or “special event”. Under s.6(a) peace officers can secure and protect critical infrastructure, including provincial facilities, places etc. In municipalities where the RCMP are not police of jurisdiction, they would assist the police force with primary responsibility as requested and in close cooperation with them. Federal protection and security of provincial critical infrastructure is legally available under the EMRs. Here too, the EMRs are silent on procedure.

Emergency Economic Measures Order

3. How does an entity such as those listed in s. 3 know at any one point whether a particular person meets the definition of “designated person” in their day-to-day operations?

On a continuing basis, banks and other financial service providers have to perform due diligence by reviewing their records to identify if they have any business with persons involved in the unlawful activities.

Additionally, a Government of Canada, provincial or territorial institution may disclose information to any entity set out in section 3, if it is satisfied that the disclosure will

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contribute to the application of the Order. The information shared could include basic identifying information of persons and entities that are participating in prohibited activities.

The RCMP and law enforcement agencies are sharing information with banks and other financial service providers as permitted by the law.

4. How is an entity to identify property that is indirectly controlled by a designated person? [s. 2(1)(a)]
5. How is an entity to identify property that is “owned, held or controlled” by a person acting on behalf of a designated person? [s. 2(1)(a), s. 3, s. 4]
6. How is an entity to determine if it is “making available any property..... to a person acting on behalf of or at the direction of a designated person”? [s. 2(1)(c)]

Answer for Q4-6:

An objective of the Order is to limit the funding of the activities that led to this current state of emergency. We expect financial services providers to act diligently and use the measures available to identify if they have any business relationships with designated persons. This could involve entities reviewing their records to identify if they have any business with designated persons, and then assess if they have any property in their possession or control that they believe is owned, held or controlled by or on behalf of a person engaged in activities that are prohibited by the Emergency Measures Regulations.

7. What is meant by a “Government of Canada, provincial or territorial institution” in s. 6?

This includes departments, agencies and crown corporations across all levels of government. The objective is to ensure that government institutions, including law enforcement agencies at any level, can provide information to Canadian financial service providers for the purpose of the Order, including the identity of persons participating in illegal assemblies.

8. How will an insurance company know whether a vehicle has been used in a public assembly referred to in s. 2(1) of the Emergency Measures Regulation? [s. 2(2)]

On a continuing basis, entities have to act diligently and use the best measures available to assess if a vehicle has been used in a prohibited public assembly.

Additionally, a Government of Canada, provincial or territorial institution may disclose information to any entity set out in section 3, if it is satisfied that the disclosure will contribute to the application of the Order. All entities should work to obtain reliable information to make a reasonable determination whether a vehicle has been used in a prohibited public assembly.

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9. What is contemplated by ceasing to provide services in the vehicle insurance context – Suspend? Cancel? Just not pay a claim related to an incident during a prohibited public assembly? [s. 1(d)]

The cessation of providing financial or related services to or on behalf of a designated person in a vehicle insurance context means suspension of an insurance policy for so long as someone remains a designated person.

Additional questions

Question about elected Members of the Legislature's constituency offices and similar locations: are they included in the Act or covered by the Act?

Answer: Elected Members of the Legislature and constituency offices can be designated under the *Emergency Measures Regulations* which were made pursuant to the *Emergencies Act*. Paragraph 6(f) of the *Emergency Measures Regulations* states:

6. The following places are designated as protected and may be secured: [...]
(f) any other place as designed by the Minister of Public Safety and Emergency Preparedness

The designations may be made in response to requests from the RCMP, other levels of government, or other police forces, but they can also be made by the Minister in the absence of a request.

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